

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

Alexis Templeton, Maureen Costello,)	
Brittany Ferrell, Steven Hoffmann,)	
Kira Hudson Banks,)	
)	
Plaintiffs,)	
v.)	
)	
Sam Dotson, Chief of Police,)	
City of St. Louis,)	
Jon Belmar, Chief of Police)	
County of St. Louis,)	No.
Capt. Ron Johnson, Missouri)	
Highway Patrol, In their official)	
capacities and as part of the Unified)	
Command)	
)	
Defendants.)	
)	

DECLARATION OF KIRA BANKS

I, Kira Banks, hereby declare as follows:

1. I am a United States citizen and a resident of the City of St. Louis, Missouri, residing in the 2600 block of Gurney Ave. I am 35 years old
2. I am a Professor of Psychology at St. Louis University.
3. As a clinical psychologist, I study discrimination and how it impacts mental health. I've been working pro bono with clients who are impacted psychologically by the events surrounding Michael Brown's death and the issues it has surfaced.
4. On a personal level, I am the mother of two black boys, ages 5 and 7. I see the systemic inequality in how people are treated by police, and I pray my sons won't

ever be in a situation like Michael Brown or Tamir Rice, the 12-year old who was shot and killed recently in Ohio.

5. I have participated in community demonstrations to help raise awareness of issues of racialized policing that have surfaced in the wake of Michael Brown's death.
6. Specifically, I have volunteered my professional skills to help provide mental health counseling and de-escalation at demonstrations. It fits with my skills to be present at demonstrations, where people are more likely to get upset or where things are more likely to escalate.
7. On the evening of Monday, November 24 when the grand jury decision was announced, I signed up to assist with mental health services in the area near St. John's Episcopal Church, which had been designated as a sanctuary space. I knew it would be important to be out in the streets where I could talk to people who were upset and help de-escalate tension.
8. I arrived around 9 p.m. For the first three hours, I was impressed with responses of police to the peaceful demonstrations that were occurring. Shortly after 9 p.m., we began a street march that later lead to a civil disobedience demonstration on Highway 44. The crowd was quite diverse, both in race and age. It was peaceful.
9. We then learned that people were congregating at Grand and Arsenal. This is my neighborhood so I wanted to be there. I witnessed police in riot gear in line formation facing all the people at MoKaBe's at the corner of Grand and Arsenal. A clergy member wearing an orange vest was in the street with hands raised. At that point, one of the demonstrators spoke to police. Police agreed that if demonstrators remained on the sidewalks, they would stand down. And they did.

The police left, and many demonstrators cleared out with a few remaining on the sidewalk, and a number going onto MoKaBe's property.

10. I was with several younger leaders. We saw two young people who appeared to be teenagers take the lid off of a garbage can and throw it towards the window of the AT&T building on the east side of the intersection of Grand and Arsenal. We walked across the street to stand in front of the AT&T Building to dissuade the youth from harming the property in any way. When I asked them to stop, they did and went down the street. A moment later, we heard glass break at the pawn shop down the street. Police were near them but did not appear to intervene.
11. All of sudden, without warning, I saw a big heavily armored truck heading north on Grand towards us and then heard pops of tear gas canisters being dispensed. I ran around the corner and kept hearing "pop, pop, pop" – at least 3 more. I ran off by myself to escape the gas.
12. My eyes burned and teared up from the tear gas. Later that night I felt nauseous and congested.
13. From what I observed, Police could have easily said something or confined the few people who were about to cause property damage rather than gassing everyone. These were teenagers. Police didn't need to use excessive force to stop them, and certainly didn't need to punish everyone for the attempted acts of these few.
14. When I approached those teens about the trash lid and told them to stop, they did. We were able to effectively manage them. It wasn't difficult. Police could have too.

15. The experience was very disappointing. It was very frustrating that the police couldn't intervene without going to that extreme. The police could have spoken to those kids or extracted them from the situation, without having to resort to multiple rounds of tear gas on the entire crowd. It was as if their primary goal was to end the demonstration rather than prevent those folks from damaging any property.
16. It was particularly frustrating that the police failed to differentiate those several people from the rest of the crowd. I was watching the situation and could easily differentiate the few who were about to get into trouble. Police should have been able to do so. If I was able to manage to de-escalate those few just by speaking to them, police certainly should have been able to do. They didn't even make an attempt to do so, but instead unfurled mass punishment without warning.
17. Based on the fact that the police had left the street minutes before, in my observation it was not an unlawful assembly. There was no announcement to the effect. In my observation, I did not see a reason to gas everyone.
18. The experience makes me sad and angry. The police use of force at Grand and Arsenal was totally disproportionate to the moment- especially compared to their response to the civil disobedience action blocking the highway nearby that had occurred earlier in the evening, when hundreds took the highway. It felt dehumanizing.
19. I'm really disappointed in my police. I chose to live in the neighborhood where these actions occurred because it is diverse. And the rest of the evening's events

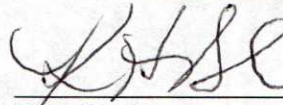
in this area were peaceful. It's a shame it had to end this way for something that could have been easily managed.

20. I saw a number of people who appeared scared and traumatized by this experience. As a psychologist, I know that this is the kind of event that can traumatize people and lead to a variety of conditions like acute stress disorder, potentially post traumatic stress disorder, and others. People may experience flashbacks or hyper-vigilance, both symptoms of trauma. I myself felt stress and hyper-vigilance in the several days following this incident.
21. The actions of police not only chilled people's free speech rights but could result in longer lasting psychological and even physiological implications. Over time stress and hyper-vigilance can effect physiology, including impacts on the blood pressure and the immune system.
22. Many of the people out at the demonstrations are people who have the experience of being marginalized already, and so this event overlays other traumas they may have experienced and could exacerbate them.
23. I am not anti-police. My father-in-law is a retired state police lieutenant. I have people I love who are police officers. But the behavior that night was wrong. The violation of trust from an institution you respect, and the sudden traumatic experience of being shot with tear gas with no warning is psychologically off-putting.
24. The actions of police, such as those which occurred on Monday night, serve to deter others who are starting to become engaged in this movement and to chill their speech. I believe the actions were designed to deter participation by a more

diverse community. I've noticed that people are starting to think about institutional racism in ways that they haven't thought about it before, and this kind of police violence deters them from plugging into the movement. These kinds of responses deter the growing movement and the needed conversations on important matters of public concern.

25. In my opinion, the response appeared designed to chill people's speech and make people scared to participate.
26. Gratuitously tear-gassing everyone felt like an intimidation tactic, the message being sent was: "we are punishing you for being part of this movement."
27. I believe that unless this behavior is stopped that I will be deterred from exercising my first amendment rights in the future.

I declare under penalty of perjury under the laws of the United States of America that
the foregoing is true and correct. Executed on November 30, 2014.

A handwritten signature in black ink, appearing to read 'Kira Banks', written over a horizontal line.

Kira Banks